

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

KEITH PAYNE,)
Plaintiff,) 8:10CV33
v.)
BEEF PRODUCTS, INC., MID-TEC,) ORDER
INC., ZACHRY ENGINEERING)
CORPORATION, and BPI)
TECHNOLOGY, INC.,)
Defendants.)
MID-TEC, INC.,)
Third-party Plaintiff,)
v.)
LIEBER CONSTRUCTION, INC.,)
Third-Party Defendant.)

This matter is before the court on the plaintiff's motion to dismiss defendants Beef Products, Inc., Mid-Tec, Inc., and BPI Technology, Inc., Filing No. 88, and third-party plaintiff Mid-Tec, Inc.'s motion to dismiss its third-party complaint against Lieber Construction, Filing No. 89. Plaintiff and third-party plaintiff represent that the dismissals are agreed upon by the parties involved. Accordingly, the court finds the motions should be granted.

IT IS ORDERED:

1. Plaintiff's motion to dismiss (Filing No. 88) is granted.

2. Plaintiff's claims against defendants Beef Products, Inc., Mid-Tec, Inc., and BPI Technology, Inc., are hereby dismissed, with prejudice, each party to bear its own costs.
3. Third-party plaintiff Mid-Tec, Inc.'s motion to dismiss (Filing No. 89) is granted.
4. Third-party plaintiff Mid-Tec, Inc.'s claims against third-party defendant Lieber Construction, Inc., are hereby dismissed, with prejudice, each party to bear its own costs.

DATED this 4th day of January, 2011.

BY THE COURT:

s/ Joseph F. Bataillon
Chief United States District Judge